



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Luis Marti *et al.*
Serial Number: 10/529,079
Filed: 10/09/2002
U.S. National Stage Entered: 03/24/2005
Group Art Unit: 2837
Examiner: Colon Santana, Eduardo
Title: COMBINED ELEVATOR GUIDING AND
SAFETY BRAKING DEVICE

PETITION FOR WITHDRAWAL OF NOTICE OF ABANDONMENT
UNDER 37 C.F.R. 1.181(a)
AND
CONDITIONAL PETITION TO REVIVE
UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 C.F.R. 1.137(b)

Mail Stop Issue Fee
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
Fax: 1-571-273-2885

Dear Sir:

A notice of abandonment for this application was mailed on January 29, 2008. Applicants respectfully request withdrawal of the holding of abandonment under 37 CFR §1.181(a).

On November 13, 2007, Applicants submitted an Issue Fee Transmittal form (copy attached as Exhibit A). Along with that Issue Fee Transmittal form, Applicants submitted a Credit Card Payment Form (copy attached as Exhibit B with a notation to disguise the credit card

60,469-209

number for purposes of this submission). That Credit Card Payment form included the wrong payment amount. Applicants unintentionally included the wrong payment amount on the Credit Card Payment Form (Exhibit B).

Although the payment amount on the Credit Card Payment form was not sufficient to pay the entire issue and publication fee, the original Transmittal Letter submitted by Applicants for this application included a general authorization for the Commission to "charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1482." This is indicated by the checkmark in box c on page 2 of 2 of the Transmittal Letter to the United States Elected Office Concerning a Submission Under 35 U.S.C. 371 (copy attached as Exhibit C). Applicants respectfully submit that the authorization provided on that transmittal form authorized the Commissioner to charge the difference between the payment amount of \$130.00 on the Credit Card Payment form (Exhibit B) and the total amount of \$1,740.00 (e.g., the deficiency of \$1,610.00) to the deposit account number 50-1482 as indicated in the general authorization of the Transmittal Letter (Exhibit C). In other words, Applicants respectfully submit that the submitted Credit Card Payment Form combined with the general authorization on the Transmittal Letter of Exhibit C authorized the Commissioner to charge the full amount of \$1,740.00 for full satisfaction of the issue and publication fees for this application.

Applicants respectfully request that the Notice of Abandonment be withdrawn in view of the sufficient submissions by Applicants.

Applicants enclose with this submission a new Credit Card Payment form in the amount of \$1,610.00, which is the amount remaining due as the Patent Office already charged the \$130.00 from the credit card payment form (Exhibit B) to that credit card. The balance of \$1,610.00 is due according to the Notice of Fee Due prepared by the Patent Office on November

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14, 2007 (Exhibit D). Applicants respectfully request that the Patent Office process the attached Credit Card Payment Form to complete the payment of the issue fee for this application after withdrawing the Notice of Abandonment.

In the event that the Commissioner is not satisfied that Applicants have already taken sufficient steps to pay the entire issue and publication fee and that the Notice of Abandonment was improper, Applicants hereby conditionally petition to have this application revived under 37 CFR 1.137(b). This application, to the extent that it was abandoned, was unintentionally abandoned. As described above, Applicants intended to pay the issue fee but unintentionally indicated an incorrect amount on the credit card form (Exhibit B). Upon receiving the Notice of Abandonment, Applicants promptly took steps to file this submission. Any delay between receiving the Notice of Abandonment and filing this submission was unintentional.

To the extent that the Commissioner believes that a petition under 37 CFR 1.137(b) is required, the Commissioner is hereby authorized to charge the petition fee of \$1,540.00 to deposit account number 50-1482 in the name of Carlson, Gaskey & Olds. The Commissioner is authorized to charge deposit account number 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

As mentioned above, a credit card payment form authorizing the patent office to charge the \$1610.00 balance due on the issue and publication fee is enclosed.

60,469-209

Applicants respectfully request that the issue fee payment be processed and this application proceeds to being issued in due course.

Respectfully submitted,

CARLSON, GASKEY & OLDS

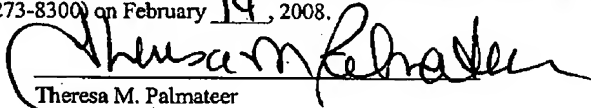
By: 

David J. Gaskey
Registration No. 37,139
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

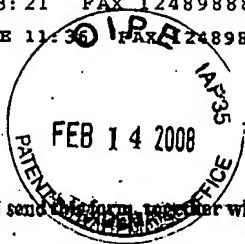
Dated: February 14, 2008

CERTIFICATE OF FACSIMILE

I hereby certify that this Petition, relative to Application Serial No. 10/529,079 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on February 14, 2008.


Theresa M. Palmateer

N:\Clients\OTIS ELEVATOR\IP00209\PATENT\Request for Withdrawal of Notice of Abandonment 2-08.doc



The PTO did not receive the following listed item(s) C-card 1740-00 but we received C-card 130-1

PART B - FEE(S) TRANSMITTAL

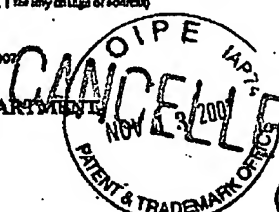
Complete and send this form, together with applicable fee(s), to: Mail
Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or FAX (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 3 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note the Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

26354 7590 10/04/2007
OTIS ELEVATOR COMPANY
INTELECTUAL PROPERTY DEPARTMENT
10 FARM SPRINGS
FARMINGTON, CT 06032
FNETEK12 00000122 10529079



Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Patent Service ISSUE FEE address above, or being otherwise transmitted to the USPTO (571) 273-2885, on the date indicated below.

Theresa M. Palmer
11-13-07

APPLICATION NO.	30070000	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	COMPARISON NO.
10/29/07	03/24/2005	Luis Marti	60469-209; OT-5123	1842

TITLE OF INVENTION: COMBINED ELEVATOR GUIDING AND SAFETY BRAKING DEVICE

11/15/2007 HGBREH2 00000014 10529079

01 FC:1506

130.00 OP

APPL. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	01/04/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
COLON SANTANA, EDUARDO	2837	187-370000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.33).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list:

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Otis Elevator Company

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Otis Elevator Company

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Farmington, CT

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies

4b. Payment of Fee(s). (Please first reapply any previously paid fees shown above)

- ☐ A check is enclosed.
☒ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(b)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature
Typed or printed name David J. Gaskey

Date 13 NOV 2007
Registration No. 37,139

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 15 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

EXHIBIT A

Adjustment date: 02/14/2008 FHETEK12
11/15/2007 HGBREH2 00000014 10529079
01 FC:1506 -130.00 OP

J003 Rec'd PCT/PTO 24 MAR 2005

PTO-1390 (Rev. 02-2005)

Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 60469-209; OT-5123
INTERNATIONAL APPLICATION NO. PCT/US02/32250	INTERNATIONAL FILING DATE 09 October 2002	U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/529079 PRIORITY DATE CLAIMED
TITLE OF INVENTION COMBINED ELEVATOR GUIDING AND SAFETY BRAKING DEVICE		
APPLICANT(S) FOR DO/EO/US Luis Marti; Mikel Azurza		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (9), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the Inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other Items or Information: Authorization to Charge Credit Card, Return Postcard; Cert. of Express Mailing</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. The time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JC17 Rec'D CT/PTO 24 MAR 2005

PTO-1390 (Rev. 02-2005)

Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/529079		INTERNATIONAL APPLICATION NO. PCT/US02/32250		ATTORNEY'S DOCKET NUMBER 60469-209; OT-5123	
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input checked="" type="checkbox"/> Basic national fee..... \$300				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100 All other situations..... \$200				\$ 200.00	
23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the International application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared and provided to the Office..... \$400 All other situations..... \$500				\$ 100.00	
TOTAL OF 21, 22 and 23 =				\$ 600.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
14 - 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	20 - 20 =		x \$ 50	\$	
Independent claims	2 - 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 600.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$ 600.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 600.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 40.00	
TOTAL FEES ENCLOSED =				\$640.00	
				Amount to be refunded:	\$
				Amount to be charged:	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. <u>50-1482</u> in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-1482</u> . A duplicate copy of this sheet is enclosed.					
d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
David J. Gaskey Carlson, Gaskey & Olds, P.C. 400 W. Maple Road, Suite 350 Birmingham, MI 48009 (248) 988-8360					
				SIGNATURE David J. Gaskey	
				NAME 37,139	
				REGISTRATION NUMBER	

FORM PTO-1390 (REV. 02-2005)

Page 2 of 2

Document Code: IMIS

Notice of Fee Due

Date:

11-14-07

Application Number:

10529079

A fee is due for the attached document for the reason indicated below. Please check the application for the appropriate authorization to charge a deposit account. If an authorization is present, please charge the appropriate fee*. If an authorization is not present, notify the application of the fee deficiency.

*If the fee due is for any of the filing fees, check for authorization to charge the surcharge. If authorization is present, charge the surcharge for late payment of the filing fees as well.

☐ Insufficient payment by check or money order.☐ Insufficient funds in deposit account _____.☒ Insufficient payment by credit card.☐ Declined credit card.☐ No authorization to charge a deposit account.

Fee code(s) to be applied:

1501B14401504\$3001506

Amount in holding fee code:

162226221999

Total remaining due from applicant:

\$1610RAM Operator: mu

EXHIBIT D

Rev. 4/20/06